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5 *Attorneys for Plaintiff*

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 BOULEVARD VENTURES, LLC, a  
Nevada limited liability company,  
9  
10 Plaintiff,

Case No. 2:15-cv-01010-GMN-NJK

11 vs.

12 J.C. PENNEY COMPANY, INC., a  
Delaware corporation; and J.C. PENNEY  
CORPORATION, INC., a Delaware  
13 corporation,

14 Defendants.

15  
16 **STIPULATION AND ORDER TO DISMISS**

17 Plaintiff BOULEVARD VENTURES, LLC, a Nevada limited liability company, by and  
18 through its attorneys of record, SMITH & SHAPIRO, PLLC, and Defendants J.C. PENNEY  
19 COMPANY, INC., a Delaware corporation; and J.C. PENNEY CORPORATION, INC., a Delaware  
20 corporation, by and through their attorneys of record, LEWIS BRISBOIS BISGAARD & SMITH,  
21 hereby stipulate and agree that this matter should be dismissed, each party to bear its respective  
22 attorneys' fees and costs.

23 There are no pending motions and/or other matters which require the attention of this Court  
24 and this matter has not yet been set for trial.

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1 Dated this 30<sup>th</sup> day of September, 2016.

2 SMITH & SHAPIRO, PLLC

3  
4 /s/ James E. Shapiro

James E. Shapiro, Esq.  
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2450 St. Rose Parkway, Suite 200  
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*Attorneys for Boulevard Ventures, LLC*

Dated this 30<sup>th</sup> day of September, 2016.

LEWIS BRISBOIS BISGAARD & SMITH

/s/ Josh Cole Aicklen

Josh Cole Aicklen, Esq.  
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David B. Avakian, Esq.  
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6385 S. Rainbow Blvd., Suite 600  
Las Vegas, NV 89118  
*Attorneys for J.C. Penney Company, Inc. and  
J.C. Penney Corporation, Inc.*

10 Dated this 30<sup>th</sup> day of September, 2016.

12 /s/ Diana Catherine Kays

Diana Catherine Kays, Esq.  
*Admitted Pro Hac Vice*  
6501 Legacy Drive, MS 1122  
Plano, Texas 75024  
*Attorney for J.C. Penney Company, Inc. and  
J.C. Penney Corporation, Inc.*

17 IT IS SO ORDERED.

18 DATED this 1 day of October, 2016.

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UNITED STATES DISTRICT JUDGE